

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6052) TO PROMOTE
INCREASED PUBLIC TRANSPORTATION USE, TO PROMOTE INCREASED
USE OF ALTERNATIVE FUELS IN PROVIDING PUBLIC TRANSPORTATION,
AND FOR OTHER PURPOSES

JUNE 25, 2008.—Referred to the House Calendar and ordered to be printed

Ms. CASTOR, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1304]

The Committee on Rules, having had under consideration House Resolution 1304, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6052, the “Saving Energy Through Public Transportation Act of 2008,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The resolution provides one motion to recommit with or without instructions. Notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker. Finally, the resolution allows the Speaker to entertain motions to suspend the rules on the legisla-

tive day of Thursday, June 26, 2008, relating to (a) a measure concerning the Commodity Exchange Act and energy markets; or (b) a measure concerning the issuance of oil and gas leases on Federal lands or waters.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against the bill and its consideration (except for those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any specific points of order against the bill or its consideration. The waivers of all points of order against the bill and against its consideration (except those arising under clause 9 or 10 of rule XXI) are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 548

Date: June 25, 2008.

Measure: H.R. 6052.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Whitfield (KY), #12, which allows a grant recipient to partner with a local transit authority to study the feasibility and possible effectiveness of converting coal to diesel for public transportation needs.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 549

Date: June 25, 2008.

Measure: H.R. 6052.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ), #1, which would prohibit funds appropriated under the bill from being used for congressional earmarks.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 550

Date: June 25, 2008.

Measure: H.R. 6052.

Motion by: Mr. Dreier.

Summary of motion: To add the following sentence to the end of section 3: “Notwithstanding clause 1 of rule XV, clause 10 of rule XXI shall still operate against the motions made in order by this section.”

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 551

Date: June 25, 2008.

Measure: H.R. 6052.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 8–4.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Oberstar (MN): Would add a finding that public transportation stakeholders should engage local communities in promoting the importance of using public transportation. It would amend section 3 (grants to improve public transportation services) to clarify that transit agencies may use these new grants to offset the increased cost of fuel to transit agencies. It also clarifies that intercity bus service and acquiring facilities or equipment to improve fuel efficiency are eligible activities under the bill. It would require the Transportation Secretary to carry out consumer awareness programs on the benefits of alternative transportation. (10 minutes)

2. Davis, Tom (VA)/McGovern (MA): Would amend section 5 (transportation fringe benefits) to authorize increasing the transit portion of the transportation fringe benefit so it is equal to the maximum limit of the parking portion of the transportation fringe benefit. (10 minutes)

3. Mahoney (FL): Would provide an exception to section 526 of the Energy Independence and Security Act (regarding procurement and acquisition of alternative fuels) by exempting contracts for generally available fuels that are not predominantly produced from noncontroversial petroleum sources if (1) the contract does not require the contractor to provide alternative fuels, (2) the purpose of the contract is not to obtain an alternative fuel, and (3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a non-conventional petroleum source. (10 minutes)

4. Reichert (WA): Would amend section 7 (federal share for fixed guideway stations) to create a 100% Federal share for park-and-ride lots that serve fixed route commuter bus routes of more than 20 miles in length. (10 minutes)

5. Hodes (NH): Would allow funds authorized in section 3 of the bill (regarding grants to improve public transportation services) to be used by states to establish or expand commuter matching services to provide commuters with information about alternatives to single occupancy vehicle use. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBERSTAR OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 23, insert the following:

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

Page 3, line 24, strike "(9)" and insert "(10)".

Page 4, line 10, after "apportioned" insert ", not later than 7 days after the date on which the funds are appropriated,".

Page 4, line 21, after "apportioned" insert ", not later than 7 days after the date on which the funds are appropriated,".

Page 5, line 5, after "Secretary" insert "within the time the Secretary prescribes".

Page 5, line 7, after "transportation," insert "or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 9, after "transportation" insert ", or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 14, after "Secretary" insert "within the time the Secretary prescribes".

Page 5, line 16, after "service," insert "or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, line 18, after "service" insert ", or in the case of subsection (f) of such section 5311, intercity bus service,".

Page 5, after line 19, insert the following:

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

At the end of the bill, add the following:

SEC. 8. NATIONAL CONSUMER AWARENESS PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, after line 12, insert the following:

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: “, except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.”.

Page 7, line 13, strike “(b)” and insert “(c)”.

Page 12, line 6, strike “(c)” and insert “(d)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MAHONEY OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 8. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S. C. 17142) is amended—

(1) by striking “No Federal agency” and inserting “(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency”; and

(2) by adding at the end the following:

“(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

“(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

“(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

“(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REICHERT OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, at the end of line 8, insert the following: “or at a park-and-ride lot that serves a fixed route commuter bus route that is more than 20 miles in length”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HODES OF
NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, after line 19, insert the following:

(3) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

